



December 3, 2005

Stuart Slotnick, Esq.  
Buchanan Ingersoll PC  
One Chase Manhattan Plaza 35th Floor  
New York, New York 10014

Dear Mr. Slotnick:

On November 29, 2005, I inspected an apartment located on the seventh floor in the building located at 817 Fifth Avenue, Manhattan, New York. The purpose of this inspection was to ascertain what rooms have poor air quality, which may constitute health hazards and specify abatement where necessary. Previously, there had been flooding into the apartment.

In order to ascertain the apartment's general level of particulate contamination, I performed five air tests in the kitchen, master bathroom, master bedroom, livingroom and hallway in order to determine airborne contaminants. These tests are designed to use non-viable technology according to manufacturer's specifications. The value of non-viable testing is that the test measures active (viable) as well as non-viable spore. I also conducted the same air test outdoors as a control.

Compared with the outdoor air, the tests detected elevated levels of airborne mold in all rooms, mostly *Aspergillus/Penicillium* mold spore. In particular, the master bedroom and the kitchen contained *Stachybotrys* mold spore. (See the attached lab reports from SanAir Technologies.)

*Stachybotrys* is known to produce mycotoxins which are particularly toxic to humans. *Stachybotrys* does not compete well with more aggressive molds such as *Aspergillus*. *Stachybotrys* is considered a secondary metabolite. It requires continuously wet conditions over a long period of time in areas of high cellulose content - paper and wood. I believe that moisture contained in the sheetrock, wood and carpets is supporting the *Stachybotrys* contamination.

Some specialists consider the presence of any amount of *Stachybotrys* to be hazardous.

"Some fungi are considered by most experts to be unacceptable for indoor environments and require risk management and intervention, especially *Stachybotrys* and *Aspergillus versicolor*."

Dr. Eckardt Johanning, Fungal and Related Exposures,  
Albany, New York

Laurence B. Molloy, LLC

40 Fifth Avenue  
New York, NY 10011  
212 929-8080  
FAX 807-8355



I also collected tape-lift samples from various locations and discovered mold growing on top of the existing sheetrock ceiling in the master bathroom. In addition, I collected a dust sample from the carpet in the hallway near the master bedroom. When incubated, the dust contained 216,000 colony-forming units of mostly infectious bacteria and 98,000 colony forming units of toxic *Aspergillus* mold. The carpets must be discarded.

Clearly, the apartment has not been abated sufficiently to permit clean air. I recommend additional demolition to remove sheetrock and carpeting in order to remove existing mold colonies from the premises. The work should be conducted by experienced mold abatement contractors which abide by the mold abatement guidelines from the New York City Department of Health.

In addition, the demolition so far has shredded asbestos material lining the master bathroom radiator. I collected a sample for analysis and the laboratory reported that the bathroom asbestos is 25% Chrysotile asbestos. However, the air test I conducted in the bathroom did not detect airborne asbestos. (See the attached laboratory report from KAM Consultants.) This material needs to be removed by a licensed asbestos abatement company prior to any further work in the apartment.

Please do not hesitate to call me for further information.

Sincerely,

A handwritten signature in black ink that reads 'Laurence B. Molloy'. The signature is fluid and cursive, with the first name 'Laurence' being more prominent than the last name 'Molloy'.

Laurence B. Molloy  
Bachelor of Architecture  
American Industrial Hygiene Association  
NY State Inspector  
US EPA Risk Assessor  
Mold University Certified  
ASPRI Mold Assessor

NIOSH 582 Air Technician



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New York, New York  
10014

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FOR PROFESSIONAL SERVICES - 817 Fifth Avenue, Manhattan, New York

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**Indoor Air Quality Investigation**

November 17, 2005.....\$400.00

Disbursements:

6 Air tests @ \$50ea.....\$300.00  
6 air cassettes @ \$10ea.....\$ 60.00  
4 Tape-lift tests @ \$50ea.....\$200.00  
1 Asbestos bulk test @ \$15ea.....\$ 15.00  
1 Asbestos air test @ \$25ea.....\$ 25.00  
2 Express Mail Deliveries.....\$ 27.30

SubTotal.....\$ 627.30

Balance Due.....\$1,027.30

*A 2% interest will be applied to all amounts past due 30 days.*

Laurence B. Molloy, LLC

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New York, NY 10011  
212 929-8080  
FAX 807-8355



KAM CONSULTANTS  
35-40 36th Street  
Long Island City  
New York, 11106  
Tel: (718) 729-1987  
Fax: (718) 729-1078

# BULK SAMPLE ANALYSIS REPORT

CLIENT: LAURENCE B. MOLLOY LLC

BUILDING ADDRESS: 817 Fifth Ave

PROJECT: WYNN

Client Sample ID#: 01

Lab Sample ID#: 051128A-2492

Sample Location: Motr Bathroom

Homogeneity: Yes

Sample Description: Radiator Insulation

Color: Gr

Texture: Mixed

Sample Treatment: None

Asbestos Present:  
(Type & Percent) 25%CHR

Total Percent  
Asbestos: 25%

Other Fibr. Mat.  
(Type & Percent): 0%

Non Fibr. Mat.  
(Percent): 75%

Date Received: 11/28/2005

Date of Analysis: 11/28/2005

Date of Report: 11/29/2005

Analyst:

Roddy Louis

Lab Director:

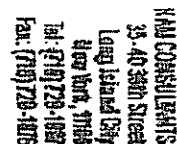
George Kouvaras

- \* RL = 0.25%, RL = ND
- \* All PLM-NOB samples with 1% asbestos or less are "Inconclusive".
- \* TEM is the only method that can verify that an NOB is not an asbestos-containing material.
- \* Sample Condition upon receipt: Acceptable
- \* Analytical Quality Control Requirements were met for this set of samples.
- \* Analysis of samples is performed by Polarized Light Microscopy (PLM) - Point Counting Method (EPA 600/M4-82-020) (ELAP 198.6)
- \* Analytical equipments: Stereobinocular microscope (MEIJI EMT-Series # 25930), Polarized Light Microscope (MEIJI ML-POL-Series # 88034)
- \* PLM is not consistently reliable in detecting asbestos in floor coverings and similar non-friable organically bound materials. Quantitative transmission electron microscopy is currently the only method that can be used to determine if this material can be considered or treated as non-asbestos-containing
- \* Samples will be stored for ninety (90) days and then returned to the client upon request
- \* The results relate only to the items calibrated or tested.
- \* The certificate of report shall not be reproduced without the written approval of the laboratory.
- \* The report must not be used by the client to claim endorsement by NVLAP or any agency of the US Government.

NYS-DOH ELAP # 11273

NIST-NVLAP # 102047

AIHA #: 100269



CLIENT: LAURENCE MOLLOY  
PROJECT: WYNN

DATE: N/A  
ADDRESS: 377 Fifth Ave., NY, NY

TYPE OF RESPIRATORS  
TYPE OF WORK:

1 = HALF FACE, 2 = PAIR, 3 = TYPE C, 4 = OTHER (SPECIFY);  
1 = BLDG DECON, 2 = PLASTICIZING, 3 = GROSS REMOVAL, 4 = GLYBERAG, 5 = CLEANING,  
6 = ENCAPSULATION, 7 = BAGOUT, 8 = OTHER (SPECIFY).

SALES LING T  
ROTAMETER

DATE RECEIVED: 11/29/05  
DATE OF ANALYSIS: 11/29/05  
DATE OF REPORT: 11/29/05

**Lab Director:**

**Nonlinear**

8567

CV LDM: 0.023

CUEDOR ANALYST: 0.0806

The samples listed above ~~and~~ analyzed by Phase Certified Microscopy (PCM) as per NIOSH 7400 Method, Issue 2. The detection limit of the method is 7 fibers per square centimeter filter area. KAM CONSULTANTS shall not be liable for information arising from samples that are not in its QA and QC program. The results relate only to the items submitted or tested. The certificate of report shall not be reproduced without approval of the laboratory. The report must not be used by the client to claim endorsement by IVELAP or any agency of the U.S. Government.

NYS-DOM ELAP # 11773  
AEHA # 106269